

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

JUNE SESSION, 1997

STATE OF TENNESSEE, )

Appellee, )

VS. )

DEREK OWENS, )

Appellant. )

C.C.A. NO. 02C01-9608-CR-00279

SHELBY COUNTY

HON. CHRIS CRAFT  
JUDGE

(Especially Aggravated Robbery)

**FILED**

July 23, 1997

Cecil Crowson, Jr.  
Appellate Court Clerk

ON APPEAL FROM THE JUDGMENT OF THE  
CRIMINAL COURT OF SHELBY COUNTY

FOR THE APPELLANT:

A. C. WHARTON  
Public Defender

EDWARD G. THOMPSON  
Assistant Public Defender  
212 Adams Street  
Memphis, TN 38103

FOR THE APPELLEE:

JOHN KNOX WALKUP  
Attorney General and Reporter

CLINTON J. MORGAN  
Assistant Attorney General  
450 James Robertson Parkway  
Nashville, TN 37243

JOHN W. PIEROTTI  
District Attorney General

JERRY KITCHEN  
AMY WEIRICH  
Assistant District Attorneys General  
Criminal Justice Complex, Suite 301  
201 Poplar Street  
Memphis, TN 38103

OPINION FILED \_\_\_\_\_

AFFIRMED PURSUANT TO RULE 20

DAVID H. WELLES, JUDGE

# ORDER

The Defendant was convicted on a jury verdict of one count of especially aggravated robbery, two counts of aggravated robbery, and one count of aggravated assault. He received an effective sentence of twenty-seven years in the Department of Correction. He appeals his convictions and his sentences. We affirm the judgment of the trial court.

The Defendant argues four issues in this appeal: (1) That the evidence contained in the record is insufficient to support his convictions, (2) that the trial court erred in allowing the introduction of evidence of other bad acts committed by the Defendant, (3) that the trial court erred by giving improper jury instructions concerning consideration of the Defendant's confession, and (4) that the trial judge erred in sentencing the Defendant to an effective sentence of twenty-seven years.

The proof showed that a convenience store in Memphis, Tennessee was entered by a man wearing a red ski mask and armed with a "tire tool." While in the store, the robber struck two customers with the tire tool and took property from at least one of them. He robbed a third customer of his wallet which included some credit cards. He demanded that the store clerk give him the money from the cash register and the clerk complied. The store security video camera recorded the incident. A couple of days after the robbery, two men attempted to purchase items from a pawn shop using one of the stolen credit cards. The clerk at the pawn shop got the license plate number of the car the

men were driving. The car was registered to the Defendant's girlfriend. When the Defendant was arrested at his girlfriend's apartment, he had in his pocket two of the credit cards which were stolen in the robbery. A red ski mask and a tire tool were found in the Defendant's girlfriend's car. The Defendant signed a written statement admitting that he was the perpetrator of the robberies committed at the convenience store.

We conclude that the evidence as to each conviction is sufficient to support the finding by the trier of fact of guilt beyond a reasonable doubt. We further conclude that no error of law requiring a reversal of the judgment is apparent on the record. We note that the record does not contain a transcript of the Defendant's sentencing hearing. In the absence of a complete record, we cannot conclude that the trial court erred in its sentencing.

Based upon a thorough reading of the record, the briefs of the parties, and the law governing the issues presented for review, the judgment of the trial court is affirmed in accordance with Rule 20 of the Court of Criminal Appeals of Tennessee.

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DAVID H. WELLES, JUDGE

CONCUR:

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PAUL G. SUMMERS, JUDGE

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JOE G. RILEY, JUDGE